

13-13-1. Short title.

This act shall be known and may be cited as the "Motion Picture Fair Bidding Act."

Enacted by Chapter 147, 1979 General Session

13-13-2. Definitions.

As used in this act:

(1) "Blind bidding" means bidding, negotiating, offering terms, making an invitation to bid, or agreeing to terms for the purpose of entering into a license agreement prior to a trade screening of the motion picture that is the subject of the agreement.

(2) "Distributor" means any person engaged in the business of renting, selling or licensing motion pictures to exhibitors.

(3) "Exhibitor" means any person engaged in the business of operating a theatre in this state.

(4) "License agreement" means any contract between a distributor and an exhibitor for the exhibition of a motion picture by the exhibitor in this state.

(5) "Theatre" means any establishment in which motion pictures are exhibited regularly to the public for a charge.

(6) "Trade screening" means the showing of a motion picture by a distributor in one of the three largest cities within this state having the largest population, which showing shall be open to any exhibitor interested in exhibiting the motion picture.

Enacted by Chapter 147, 1979 General Session

13-13-3. Blind bidding prohibited.

No distributor shall engage in blind bidding.

Enacted by Chapter 147, 1979 General Session

13-13-4. Payment of percentage of receipts.

If an exhibitor is required by a license agreement to make any payment to the distributor that is based on a percentage of the theatre box office receipts the license agreement may not require a guarantee of a minimum payment to the distributor or require the exhibitor to charge any per capita amount for ticket sales.

Amended by Chapter 378, 2010 General Session

13-13-5. Bids -- Contents.

If bids are solicited from exhibitors for the purpose of entering into a license agreement, the bid shall include in the invitation to bid the date, time and location of the trade screening of the motion picture that is the subject of the invitation to bid.

Enacted by Chapter 147, 1979 General Session

13-13-6. Provisions waiving or violating act void.

Any provision of an invitation to bid or a license agreement that waives any of the prohibitions of or fails to comply with this act is void and unenforceable.

Enacted by Chapter 147, 1979 General Session

13-13-7. Violation a misdemeanor.

It is unlawful for any person to willfully violate any provision of this chapter. Any such violation is a class B misdemeanor.

Amended by Chapter 241, 1991 General Session